

AMENDMENTS TO THE CLAIMS:

Please cancel claims 9-12 without prejudice or disclaimer.

1. (Currently amended) A positive active material comprising ~~which comprises:~~
base particles able to dope and release lithium ions; and
at least one an element selected from the group consisting of Gd, La, Ce and Yb in Group
~~3 of the periodic table present~~ on at least part of a ~~that~~ part of the base particles which is able to
come into contact with an electrolyte.
2. (Currently amended) The positive active material of claim 1, wherein said at least one
~~the element in Group 3 comprises~~ is present as a chalcogen compound.
3. (Currently amended) The positive active material of claim 1, wherein said at least one
~~the element in Group 3 comprises~~ is present as an oxygen-containing compound.
4. (Currently amended) The positive active material of claim 1, wherein the base particles
comprise ~~are~~ LiCoO_2 .
5. (Currently amended) The positive active material of claim 1, wherein the base particles
comprise ~~is present~~ as a lithium-transition metal composite oxide having an $\alpha\text{-NaFeO}_2$ type
crystal structure and represented by the composite formula $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_d$ (wherein $0 \leq x \leq 1.3$,
 $a+b+c=1$, $|a-b| \leq 0.03$, $0 \leq c < 1$, and $1.7 \leq d \leq 2.3$).
6. (Withdrawn-Currently amended) A process for producing the positive active material of
claim 1, comprising ~~which comprises:~~
producing base particles which contain lithium and are able to dope and release lithium
ions; and ~~then~~

imparting said at least one ~~an element in Group 3 of the periodic table~~ to the base particles such so that the element can be present on at least part of that part of the base particles which is able to come into contact with an electrolyte.

7. (Withdrawn-Currently amended) A process for producing the positive active material of claim 1, comprising ~~which comprises~~:

producing base particles which contain lithium and are able to dope and release lithium ions; and ~~then~~

mixing a solution which contains the base particles and the pH of which has been regulated by the addition of a lithium ion-containing alkalinity regulator with a "deposition reaction liquid" containing said at least one ~~an element in Group 3 of the periodic table~~ to thereby deposit a compound containing said at least one ~~the Group 3~~ element on the base particles in the solution and impart said at least one ~~the Group 3~~ element to the base particles so that said at least one ~~the Group 3~~ element can be present on at least part of that part of the base particles which is able to come into contact with an electrolyte.

8. (Withdrawn) The process for producing a positive active material of claim 7, wherein the solution has been regulated so as to have a pH of 11-12 by the addition of the lithium ion-containing alkalinity regulator.

9-12. (Canceled)

13. (Currently amended) A positive electrode for lithium secondary batteries, comprising: ~~which contains~~

the positive active material of claim 1.

14. (Currently amended) A lithium secondary battery, comprising: ~~which has~~
the positive electrode for lithium secondary batteries of claim 13; [[.]]

a negative electrode employing a negative-electrode material able to dope and undope lithium ions; [[,]] and
a non-aqueous electrolyte.

15. (Currently amended) The lithium secondary battery of claim 14, which is for use at an upper-limit voltage of 4.3 V or greater ~~higher~~.

16. (Currently amended) The lithium secondary battery of claim 15, wherein ~~characterized in that~~ the negative electrode comprises ~~contains~~ a carbon material and employs the negative active material such ~~so~~ that the electrochemical capacity of the lithium ions able to be doped by the negative active material is from 1.05 times to less than 1.50 times the electrochemical capacity of the lithium ions able to be released by the positive electrode when the battery is used at the upper-limit voltage.

17. (Currently amended) The positive active material of claim 2, wherein the base particles comprise ~~are~~ LiCoO_2 .

18. (Currently amended) The positive active material of claim 2, wherein the base particles comprise ~~are~~ a lithium-transition metal composite oxide having an $\alpha\text{-NaFeO}_2$ type crystal structure and represented by the composite formula $\text{Li}_x\text{Mn}_a\text{Ni}_b\text{Co}_c\text{O}_d$ (wherein $0 \leq x \leq 1.3$, $a+b+c=1$, $|a-b| \leq 0.03$, $0 \leq c < 1$, and $1.7 \leq d \leq 2.3$).

19. (Withdrawn-Currently amended) A process for producing the positive active material claim 2, comprising ~~which comprises~~:

producing base particles which contain lithium and are able to dope and release lithium ions; and ~~then~~

impacting said at least one ~~an element in Group 3 of the periodic table~~ to the base particles such ~~so~~ that the element can be present on at least part of that part of the base particles which is able to come into contact with an electrolyte.

20. (Withdrawn-Currently amended) A process for producing the positive active material of claim 2, comprising ~~which comprises~~:

producing base particles which contain lithium and are able to dope and release lithium ions; and ~~then~~

mixing a solution which comprises ~~contains~~ the base particles and the pH of which has been regulated by the addition of a lithium ion-containing alkalinity regulator with a "deposition reaction liquid" comprising said at least one ~~containing an element in Group 3 of the periodic table~~ to thereby deposit a compound comprising said at least one ~~containing the Group 3 element~~ on the base particles in the solution and impart said at least one ~~the Group 3 element~~ to the base particles so that said at least one ~~the Group 3 element~~ can be present on at least part of that part of the base particles which is able to come into contact with an electrolyte.

21. (New) The positive active material of claim 1, wherein a weight percent of said at least one element in terms of oxide is in a range from 0.05% to 4% of a total weight of said base particles and said at least one element in terms of oxide.

22. (New) The positive active material of claim 1, wherein said at least one element is formed on a surface of said base particles, and is present other than as a dopant in said base particles.

23. (New) The positive active material of claim 1, wherein said at least one element is formed on an entire surface of said base particles.

24. (New) A positive active material, comprising:
base particles able to dope and release lithium ions; and

at least one element selected from the group consisting of Gd, Y, La, Ce and Yb formed on a surface of said base particles and present other than as a dopant in said base particles.